

Message Text

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ACTION DLOS-05

INFO OCT-01 IO-10 ISO-00 FEA-01 AF-06 ARA-06 EA-06 EUR-12

NEA-09 ACDA-05 AGR-05 AID-05 CEA-01 CEQ-01 CG-00

CIAE-00 CIEP-01 OFA-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 H-02 INR-07 INT-05 JUSE-00 L-02

NSAE-00 NSC-05 NSF-01 OES-03 OMB-01 PA-01 PM-03

PRS-01 SP-02 SS-15 /137 W

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C O N F I D E N T I A L SECTION 1 OF 2 GENEVA 2760

FROM USDEL LOS

USIA - PASS IPS AND IBS

E.O. 11652: GDS

TAGS: PLOS

SUBJECT: CLASSIFIED LOS WEEKLY SUMMARY FOR D/LOS, ENDING
APRIL 16, 1975

1. SUMMARY: MAJOR EVENT OF WEEK WAS CONSENSUS TO AUTHORIZE
CHAIRMAN OF COMMITTEES TO PREPARE SINGLE, UNIFIED TEXTS ON
SUBJECTS WITHIN MANDATE OF THEIR COMMITTEES. OTHERWISE,
ALMOST ALL NEGOTIATIONS CONTINUED IN PRIVATE IN SMALL,
INFORMAL GROUPS WHERE STEADY PROGRESS IS BEING MADE TO
NARROW DIFFERENCES. END SUMMARY.

2. COMMITTEE I: C-I HAS DECREASED NUMBER OF PUBLIC
MEETINGS THIS WEEK, WHILE INTENSIFYING PRIVATE AND
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REGIONAL CONSULTATIONS IN EFFORT TO MOVE FORWARD ON NEGOTIATIONS

TIATION OF BASIC CONDITIONS. EXTREMISTS IN GROUP OF 77 REPORTEDLY WISH TO ABANDON CHAIRMAN'S PAPER AND RETURN TO ORIGINAL GROUP OF 77 POSITION, ALTHOUGH LDC LEADERSHIP APPEARS TO BE PRESSING FOR MORE MODERATE STAND. IN APRIL 17 WG MEETING, US ATTEMPTED TO GARNER SUPPORT FOR CONTINUING NEGOTIATION ON BASIS OF CHAIRMAN'S DRAFT BY ELABORATING RESERVATION OF AREAS IN DETAIL AND REFERRING TO CONCEPT AS POSSIBLE SOLUTION TO ARTICLE 9 (EXPLOITATION SYSTEM). IN GROUP OF 5 CONSULTATIONS, US DEL EXPERIENCING SOME DIFFICULTY IN CONVINCING OTHER MEMBERS THAT WE HAVE REACHED STAGE FOR COMPROMISE. IF GROUP OF 77 CANNOT ACHIEVE MORE RAPID PROGRESS IN ITS REVIEW OF CHAIRMAN'S DRAFT AND IF GROUP OF 5, PARTICULARLY SOV DEL, FAILS TO SHOW FLEXIBILITY OF NONCRITICAL ISSUES, IT MAY BE NECESSARY TO PUT ASIDE BASIC CONDITIONS IN WG AND PROCEED TO MACHINERY. WE WOULD ANTICIPATE, HOWEVER, CONTINUED PRIVATE NEGOTIATIONS WITH LDC LEADERSHIP ON THIS SUBJECT.

3. COMMITTEE II: AS IN PRIOR WEEK, SERIES OF PRIVATE NEGOTIATIONS ON CRITICAL ISSUES TOOK PLACE BEHIND THE SCENES. US CONTINUES TO COORDINATE CLOSELY WITH GROUP OF 5, ALTHOUGH POSITIONS IN GROUP VARY SOMEWHAT DEPENDENT UPON SPECIFIC ISSUE INVOLVED. MOST SIGNIFICANT DEVELOPMENT OF WEEK WAS AGREEMENT ON UK-FIJI SINGLE TEXT ON STRAITS WHICH IS SUPPORTED BY 14 OTHER STATES FROM ALL REGIONS. COMPLETE TEXT SENT SEPTEL. PARTLY FOR TACTICAL REASONS, UK AND FIJI HAVE BEEN INFORMED THAT SUBSTANCE OF TEXT IS UNACCEPTABLE TO US AND WE ARE HOPEFUL SOVIETS WILL TAKE SAME VIEW. EMERGENCE OF THIS TEXT IN CHAIRMAN'S SINGLE TEXT SHOULD PROVIDE BASIS FOR NEGOTIATION.

US CONTINUES TO CONSULT WITH UK, NORWAY AND VENEZUELA, AND, TO LESSER EXTEND, WITH CANADA REGARDING DEFINING OUTER LIMIT OF CONTINENTAL MARGIN BEYOND 200 MILES AND FORMULA FOR REVENUE-SHARING. AUSTRALIA AND CANADA ARE TAKING RIGID POSITION IN OPPOSITION TO REVENUE SHARING BEYOND 200 MILES.

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EVENSEN GROUP PRODUCED A SIXTH REVISION WHICH CONTAINS ARTICLES ON ANADROMOUS AND HIGHLY-MIGRATORY SPECIES.

EVENSEN GROUP HAS COMPLETED DISCUSSION OF THE ECONOMIC ZONE EXCEPT FOR CONTINENTAL SHELF REGIME AND HAS REFERRED THE WORK OF THE GROUP TO THE CHAIRMAN OF COMMITTEE II. IT SEEMS LIKELY THAT THIS CAREFULLY

NEGOTIATED TEXT WILL LARGELY FORM THE BASIS FOR ECONOMIC ZONE CHAPTER IN SINGLE PACKAGE TEXT. US POSITION ON SALMON INCORPORATED IN TOTO IN EVENSEN TEXT AFTER CAREFUL PRE-NEGOTIATIONS WITH INTERESTED STATES. (USSR WANTS TO MAKE CHANGES BUT JAPAN AND PROBABLY DENMARK WILL FALL OFF IF ANY CHANGES.) OUR POSITION ON TUNE (HIGHLY MIGRATORY SPECIES) HAS MUCH MORE OPPOSITION BUT NEVERTHELESS PROVISION IN TEXT REPRESENTS REASONABLE AND PROBABLY BEST ATTAINABLE COMPROMISE ON ISSUE. THIS TEXT, HOWEVER, NOT YET AGREED BY LATINS AND DISCUSSIONS CONTINUING. OPPOSITION FROM LANDLOCKED AND GEOGRAPHICALLY DISADVANTAGED STATES CONTINUES TO EVENSEN TEXT DESPITE CHANGES TO ACCOMMODATE THEM AND PACKAGE TEXT MAY ACCORDINGLY REFLECT SOME FURTHER COMPROMISES FOR THIS GROUP.

THE EVENSEN GROUP IS NOW NEGOTIATING THE CONTINENTAL MARGIN ISSUES. DEVELOPING COMPROMISE BETWEEN BROAD MARGIN STATES AND LANDLOCKED SHELF-LOCKED GROUP SEEMS TO BE TO GIVE COASTAL STATES JURISDICTION OVER MARGIN MINERALS WHERE MARGIN GOES BEYOND 200 MILES SUBJECT TO REASONABLE REVENUE SHARING BEGINNING AT 200 MILES AND REASONABLE AND PRECISE DEFINITIONS FOR OUTER BOUNDARY OF MARGIN. DISCUSSIONS ON REVENUE SHARING FORMULA BEGINNING.

WE ARE SATISFIED IN GENERAL WITH CONSOLIDATED TEXTS ON BASELINES AND HIGH SEAS. THESE PROVISIONS WILL BE ANALYZED IN MORE DETAIL WHEN THE SECRETARIAT PRODUCES NEXT REVISION.

PERU AND SPAIN ARE STILL ENGAGING IN DISRUPTIVE PROCEDURAL TACTICS, INSISTING, FOR EXAMPLE, THAT MAIN CONFIDENTIAL

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TRENDS PAPER BE REVISED TO FULLY REFLECT EVERY ASPECT OF THEIR POSITIONS. CHAIRMAN OF COMMITTEE II HAS STRONGLY RESISTED THESE PRESSURES, WITH US AND SOVIET SUPPORT. STAGE HAS APPARENTLY BEEN REACHED WHERE INFORMAL GROUPS WILL CONSIDER ALL SUB-COMMITTEE II ITEMS ON LIST OF SUBJECTS AND ISSUES. DISCUSSIONS WERE HELD ON LANDLOCKED TRANSIT TO SEA AND ON INNOCENT PASSAGE, AND CONTINENTAL SHELF AND ISLANDS WILL BE CONSIDERED NEXT WEEK. SPAIN AND SEVERAL ARAB STATES STRONGLY PRESSED VIEW THAT INNOCENT PASSAGE APPLIED TO STRAITS OVERLAPPED BY THE TERRITORIAL SEA.

IN GENERAL, WEEK WAS PRODUCTIVE IN NUMBER OF AREAS BUT PUBLIC IMPRESSION MIGHT BE MISLEADING AS THERE WAS LITTLE NEGOTIATING IN PUBLIC. IMPRESSION IS COMPOUNDED

BY FACT IT IS DIFFICULT TO SHOW TANGIBLE RESULTS
UNTIL SINGLE TEXT EMERGES FROM CHAIRMAN.

4. COMMITTEE III:

(A) MARINE SCIENTIFIC RESEARCH. METTERNICH
INFORMAL NEGOTIATING GROUP MET TWICE THIS PAST WEEK,
BUT EFFORTS WERE LARGELY FUTILE BECAUSE NO AFRICANS
ATTENDED. DISCUSSIONS NEXT WEEK IN THIS INFORMAL FOUN
WILL FOCUS ON RESEARCH ON CONTINENTAL SHELF.

MEXICO AND IRELAND HAVE CIRCULATED INFORMAL DRAFT
WHICH DISTINGUISHES BETWEEN FUNDAMENTAL AND RESOURCES-
RELATED RESEARCH BY IMPOSING ADDITIONAL OBLIGATIONS
ON RESOURCES-RELATED RESEARCH. THIS PROPOSAL PROVIDES
THAT COASTAL STATE HAS RIGHT TO OBJECT TO RESEARCH IF
OBLIGATIONS HAVE NOT BEEN FULFILLED. IT PROVIDES MEANS
OF CONCILIATION, BUT NO BINDING DECISION, LEAVING POWER
IN COASTAL STATE TO PREVENT RESEARCH. COASTAL STATE ALSO HAS
RIGHT TO SUSPEND RESEARCH BEING CONDUCTED IN THEIR
ECONOMIC ZONE IF RESEARCH DOES NOT COMPLY WITH THE
PROVISIONS OF CONVENTION. SIX OTHER LATIN COUNTRIES
HAVE APPARENTLY EXPRESSED INTEREST IN MEXICO/IRISH
DRAFT, BUT THUS FAR NO AFRICANS HAVE. GROUP OF 77
REPORTEDLY HAS COMPLETED REVISION ON L.12 ON TECHNOLOGY
TRANSFER. NIGERIAN DELEGATE, WHO CHAIRS GROUP OF 77
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WORKING GROUP ON TECHNOLOGY TRANSFER, HAS STATED MANY
THINGS IN L.12 ARE NEGOTIABLE. HE REFUSED TO CONSIDER
TRANSFERRING PROVISIONS OF L.12 DEALING WITH INTER-
NATIONAL AUTHORITY TO COMMITTEE I, STATING TERMS OF
REFERENCE OF C-III INCLUDED ISSUE OF TECHNOLOGY
TRANSFER. SOVIETS INDICATED IN BILATERAL DIS-
CUSSIONS THAT IT WAS POSSIBLE TO PROVIDE MORE ASSISTANCE
IN AREA OF TRAINING AND EQUIPMENT BUT REMAINED
UNCOMMITTED ON WHETHER THEY WOULD BE WILLING TO
CONTRIBUTE TO A SPECIALIZED MULTILATERAL FUND.

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INFO OCT-01 IO-10 ISO-00 FEA-01 AF-06 ARA-06 EA-06 EUR-12

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CIAE-00 CIEP-01 OFA-01 COME-00 DODE-00 DOTE-00 EB-07

EPA-01 ERDA-05 FMC-01 H-02 INR-07 INT-05 JUSE-00 L-02

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C O N F I D E N T I A L SECTION 2 OF 2 GENEVA 2760

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(B) POLLUTION. IN INFORMAL EVENING SESSIONS, GROUP OF 17 AND GROUP OF 5 MET TO DISCUSS FORTH AND FIFTH REVISIONS OF EVENSEN TEXT ON PRESERVATION OF MARINE ENVIRONMENT. DISCUSSION CENTERING ON ARTICLES X-XII, POLLUTION FROM VESSELS (GENERAL AND FLAG AND COASTAL STATE PROVISIONS). IN GROUP OF 5, GENERAL AGREEMENT WAS ATTAINED THAT INTERNATIONAL RULES WOULD BE ESTABLISHED FOR PROSECUTION OF VESSEL SOURCE POLLUTION, AND THAT STATES SHALL ESTABLISH NATIONAL LAWS AND REGULATIONS "NO LESS STRINGENT THAN INTERNATIONAL RULES AND STANDARDS." ON MOTION BY UNITED STATES IN BOTH GROUPS, MAJORITY OF PARTICIPANTS AGREED TO DELETE REFERENCE IN ARTICLE 12 (COASTAL STATE RIGHT TO ESTABLISH LAWS AND REGULATIONS IMPLE-
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MENTING AND CONFORMING TO INTERNATIONAL RULES AND STANDARDS WITH RIGHT TO PRESCRIBE RULES ADDITIONAL TO OR MORE STRINGENT THAN SAID INTERNATIONAL RULES AND STANDARDS) TO STRAITS REGIME, AGREEING TO HAVE SEPARATE ARTICLE AT END OF EVENSEN POLLUTION ARTICLES STATING "NOTHING IN THIS CHAPTER SHALL AFFECT

THE LEGAL REGIME OF STRAITS USED FOR INTERNATIONAL NAVIGATION DEALT WITH BY CHAPTER () OF THIS CONVENTION." IN ADDITION ON ARTICLE XII(2), REGARDING COASTAL STATE RIGHT OF STANDARD SETTING IN ECONOMIC ZONE, AGREEMENT WAS REACHED EITHER TO DELETE PARAGRAPH IN ENTIRETY OR TO RESTRICT SCOPE OF PARAGRAPH TO RIGHT OF COASTAL STATE TO ESTABLISH LAWS AND REGULATIONS FOR VESSEL SOURCE POLLUTION IMPLEMENTING AND CONFORMING TO INTERNATIONAL RULES AND STANDARDS IN ARTICLE X, AND WITH RIGHTS OF ENFORCEMENT AS PROVIDED IN ARTICLE XIII (ENFORCEMENT BY FLAG, PORT AND COASTAL STATES). EFFECT OF INCLUSION OF ART. XII(2) IS TO REMOVE ANY DOUBT AS TO STANDARD SETTING IN ECONOMIC ZONE, UPON SATISFACTORY CONCLUSION OF ART. XIII PROVISIONS. PROPOSED LANGUAGE OF ART. XII(2) IS: COASTAL STATES MAY IN RESPECT OF THE ECONOMIC ZONE ESTABLISH LAWS AND REGULATIONS FOR THE PREVENTION, REDUCTION, AND CONTROL OF POLLUTION FROM VESSELS, IMPLEMENTING AND CONFORMING TO INTERNATIONAL RULES AND STANDARDS REFERRED TO IN ARTICLE X IN THE EXERCISE OF THEIR JURISDICTION TO ENFORCE AS SPECIFIED IN ART. XIII.#

(# FOOTNOTE: THE INCLUSION AND SCOPE OF THIS PROVISION DEPENDS ON THE EXTENT OF COASTAL STATE ENFORCEMENT POWERS IN THE ECONOMIC ZONE, CF. ARTICLE XIII.)

5. DISPUTE SETTLEMENT. DS WORKING GROUP COMPLETED DISCUSSIONS ON REMAINING ITEMS IN L.7. ON ISSUE OF EXCEPTIONS, SEVERAL STATES QUESTIONED EXCEPTIONS FOR VESSELS ENTITLED TO SOVERIGN IMMUNITY AND FOR MILITARY ACTIVITIES. AFTER US EXPLANATION OF NEED FOR EXCEPTIONS, OPPOSITION SEEMED TO SOFTEN SOMEWHAT, ALTHOUGH ADDITIONAL CONSULTATIONS WITH NATO ALLIES WILL BE REQUIRED.

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ISSUE OF APPLICATION OF DS TO ECONOMIC ZONE CONTINUES TO BE PROBLEM AS A RESULT OF ARGENTINA, BRAZIL, CHILE, AND HONDURAS OPPOSITION. US STRONGLY INTERVENED TO INDICATE THAT US NEGOTIATIONS IN C-II AND C-III WERE ON ASSUMPTION COMPULSORY DISPUTE SETTLEMENT APPLIES TO ECONOMIC ZONES. IN EFFORT TO PRESENT CHAIR WITH MEANS OF RESOLVING DEADLOCK, US PROPOSED THAT EACH FUNCTIONAL ISSUE IN ECONOMIC ZONE BE SEPARATELY ANALYZED AND THAT OVERALL DS STRUCTURE BE FORMED FOLLOWING SUCH ANALYSIS. DALE

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